

The Honorable Richard A. Jones
United States District Court Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASHINGTON ELECTION INTEGRITY)	
COALITION UNITED, a Washington State)	
Nonprofit Corporation; DOUG BASLER;)	No. 2:21-cv-01394-RAJ
HOWARD FERGUSON; DIANA BASS;)	
TIMOFEY SAMOYLENKO; AMY BEHOPE;)	
MARY HALLOWELL; SAMANTHA BUCARI;)	KING COUNTY DEFENDANTS'
RONALD STEWART; LYDIA ZIBIN;)	ANSWER TO PLAINTIFFS'
CATHERINE DODSON,)	COMPLAINT AND
)	COUNTERCLAIM AND JURY
Plaintiffs,)	DEMAND
v.)	
)	
JULIE WISE, Directory of King County)	
Elections; KING COUNTY, and DOES)	
1-30, inclusive,)	
)	
Defendants.)	

Julie Wise, Director of King County Elections, and King County (hereinafter "King County Defendants"), in answer to Plaintiffs' Complaint, admit, deny and state as follows:

I. PARTIES

1. In answering paragraph 1 of Plaintiffs' Complaint, King County Defendants are without sufficient information to determine the truth or falsity of the allegations contained therein, and, therefore, deny the same.

2. In answering paragraph 2 of Plaintiffs' Complaint, King County Defendants are without sufficient information to determine the truth or falsity of the allegations contained therein, and, therefore,

ANSWER AND COUNTERCLAIM
AND JURY DEMAND OF
KING COUNTY DEFENDANTS - 1

Daniel T. Satterberg, Prosecuting Attorney
CIVIL DIVISION, Litigation Section
1191 Second Avenue, Suite 1700
Seattle, Washington 98101
(206) 296-0430 Fax (206) 296-8819

1 deny the same.

2 3. In answering paragraph 3 of Plaintiffs' Complaint, King County Defendants
3 admit only that Julie Wise is the elected Director of King County Elections and performs the
4 duties of her office per statute, charter and ordinance. All other allegations are denied.

5 4. In answering paragraph 4 of Plaintiffs' Complaint, King County Defendants
6 admit only that King County is a home rule charter county and a political subdivision of the State
7 of Washington.

8 II. OVERVIEW

9 5. In answering paragraph 5 of Plaintiffs' Complaint, King County Defendants
10 admit only that Plaintiff WEICU submitted a records request for ballots to King County
11 Elections. The remainder of the paragraph contains legal conclusions and argument to which no
12 answer is required. To the extent that an answer is required, all remaining allegations are denied.

13 III. JURISDICTION, VENUE, LIMITATIONS

14 6. In answering paragraph 6 of Plaintiffs' Complaint, the paragraph contains legal
15 conclusions and argument to which no answer is required. To the extent that an answer is required, all
16 factual allegations are denied.

17 7. In answering paragraph 7 of Plaintiffs' complaint, the paragraph contains legal
18 conclusions and argument to which no answer is required. To the extent that an answer is
19 required, all factual allegations are denied.

20 8. In answering paragraph 8 of Plaintiffs' complaint, the paragraph contains legal
21 conclusions and argument to which no answer is required. To the extent that an answer is
22 required, all factual allegations are denied.

23 9. In answering paragraph 9 of Plaintiffs' Complaint, King County Defendants are

1 without sufficient information to form a belief as to the truth or falsity of the allegations
2 contained therein and, therefore, deny the same.

3 **IV. WRONGFUL ACTS: USE OF UNCERTIFIED VOTING SYSTEM**

4 **RCW 29A.68.013(1) and/or (2)**

5 **(Citizen Plaintiffs v. Director)**

6 10. In answering paragraph 10 of Plaintiffs' Complaint, King County Defendants
7 incorporate all responses and denials as set forth in the previous paragraphs.

8 11. In answering paragraph 11 of Plaintiffs' Complaint, King County Defendants
9 deny.

10 12. In answering paragraph 12, the paragraph contains legal conclusions and
11 argument to which no answer is required. To the extent that an answer is required, all factual
12 allegations are denied.

13 13. In answering paragraph 13, the paragraph contains legal conclusions and
14 argument to which no answer is required. To the extent that an answer is required, all factual
15 allegations are denied.

16 14. In answering paragraph 14 of Plaintiffs' Complaint, King County Defendants
17 deny.

18 15. In answering paragraph 15 of Plaintiffs' Complaint, King County Defendants
19 deny. Election results are certified by the Canvassing Board, not the Director of Elections.

20 **V. DECLARATORY RELIEF: USE OF UNCERTIFIED VOTING SYSTEM**
21 **(Citizen Plaintiffs v. Director)**

22 16. In answering paragraph 16 of Plaintiffs' Complaint, King County Defendants
23 incorporate all responses and denials as set forth in the previous paragraphs.

17. In answering paragraph 17 of Plaintiffs' Complaint, King County Defendants

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1 deny.

2 18. In answering paragraph 18 of Plaintiffs' Complaint, King County Defendants
3 admit.

4 19. In answering paragraph 19 of Plaintiffs' Complaint, the paragraph contains legal
5 conclusions and argument to which no answer is required. To the extent that an answer is
6 required, all factual allegations are denied.

7 **VI. EQUITABLE RELIEF: USE OF UNCERTIFIED VOTING SYSTEM**
8 **(Citizen Plaintiffs v. Director)**

9 20. In answering paragraph 20 of Plaintiffs' Complaint, King County Defendants
10 incorporate all responses and denials as set forth in the previous paragraphs.

11 21. In answering paragraph 21 of Plaintiffs' Complaint, the paragraph contains legal
12 conclusions and argument to which no answer is required. To the extent that an answer is
13 required, all factual allegations are denied.

14 22. In answering paragraph 22 of Plaintiffs' Complaint, the paragraph contains legal
15 conclusions and argument to which no answer is required. To the extent that an answer is
16 required, all factual allegations are denied.

17 **VII. WRONGFUL ACTS: VOTE FLIPPING, ADDITIONS AND/OR DELETIONS**
18 **RCW 29A.68.013(1) and/or (2)**
19 **(Citizen Plaintiffs v. Director)**

20 23. In answering paragraph 23 of Plaintiffs' Complaint, King County Defendants
21 incorporate all responses and denials as set forth in the previous paragraphs.

22 24. In answering paragraph 24 of Plaintiffs' Complaint, King County Defendants
23 admit only that as an elected county officer Julie Wise took and subscribed the oath required by

1 RCW 36.16.040. King County Defendants deny any further allegations therein.

2 25. In answering paragraph 25 of Plaintiffs' Complaint, King County Defendants
3 deny.

4 26. In answering paragraph 26 of Plaintiffs' Complaint, King County Defendants
5 deny.

6 **VIII. DECLARATORY RELIEF: VOTE FLIPPING, ADDITIONS AND/OR**
7 **DELETIONS**

8 **(Citizen Plaintiffs v. Director)**

9 27. In answering paragraph 27 of Plaintiffs' Complaint, King County Defendants
10 incorporate all responses and denials as set forth in the previous paragraphs.

11 28. In answering paragraph 28 of Plaintiffs' Complaint, King County Defendants
12 deny.

13 29. In answering paragraph 29 of Plaintiffs' Complaint, the paragraph contains legal
14 conclusions and argument to which no answer is required. To the extent that an answer is
15 required, all factual allegations are denied.

16 **IX. EQUITABLE RELIEF: VOTE FLIPPING, ADDITIONS AND/OR**
17 **DELETIONS**

18 **(Citizen Plaintiffs v. Director)**

19 30. In answering paragraph 30 of Plaintiffs' Complaint, King County Defendants
20 incorporate all responses and denials as set forth in the previous paragraphs.

21 31. King County Defendants make no response to paragraph 31 as it appears to
22 contain legal conclusions and argument for which no response is required. However, to the
23 extent factual allegations are intended, all allegations therein are denied.

1 32. King County Defendants make no response to paragraph 32 as it appears to
2 contain legal conclusions and argument for which no response is required. However, to the
3 extent factual allegations are intended, all allegations therein are denied.

4 **X. WRONGFUL ACTS: PARTY PREFERENCE**

5 **(Citizen Plaintiffs v. Director)**

6 33. In answering paragraph 33 of Plaintiffs' Complaint, King County Defendants
7 incorporate all responses and denials as set forth in the previous paragraphs.

8 34. In answering paragraph 34 of Plaintiffs' Complaint, King County Defendants
9 deny.

10 **XI. DECLARATORY RELIEF: PARTY PREFERENCE**

11 **(Citizen Plaintiffs v. Director)**

12 35. In answering paragraph 35 of Plaintiffs' Complaint, King County Defendants
13 incorporate all responses and denials as set forth in the previous paragraphs.

14 36. In answering paragraph 36 of Plaintiffs' Complaint, King County Defendants
15 deny.

16 37. In answering paragraph 37 of Plaintiffs' Complaint, the paragraph contains legal
17 conclusions and argument to which no answer is required. To the extent that an answer is
18 required, all factual allegations are denied.

19 **XII. EQUITABLE RELIEF: PARTY PREFERENCE**

20 **(Citizen Plaintiffs v. Director)**

21 38. In answering paragraph 38 of Plaintiffs' Complaint, King County Defendants
22 incorporate all responses and denials as set forth in the previous paragraphs.

39. King County Defendants make no response to paragraph 39 as it appears to contain legal conclusions and argument for which no response is required. However, to the extent factual allegations are intended, all allegations therein are denied.

40. King County Defendants make no response to paragraph 40 as it appears to contain legal conclusions and argument for which no response is required. However, to the extent factual allegations are intended, all allegations therein are denied.

XIII. WRONGFUL ACTS: BALLOT SECURITY

RCW 29A.68.013(1) and/or (2)

(Citizen Plaintiffs v. Director)

41. In answering paragraph 41 of Plaintiffs' Complaint, King County Defendants incorporate all responses and denials as set forth in the previous paragraphs.

42. In answering paragraph 42 of Plaintiffs' Complaint, King County Defendants deny.

XIV. DECLARATORY RELIEF: BALLOT SECURITY

(Citizen Plaintiffs v. Director)

43. In answering paragraph 43 of Plaintiffs' Complaint, King County Defendants incorporate all responses and denials as set forth in the previous paragraphs.

44. Answering paragraph 44 of Plaintiffs' Complaint, King County Defendants deny.

45. Answering paragraph 45 of Plaintiffs' Complaint, the paragraph contains legal conclusions and argument to which no answer is required. To the extent that an answer is required, all factual allegations are denied.

XV. EQUITABLE RELIEF: BALLOT SECURITY

(Citizen Plaintiffs v. Director)

1 46. In answering paragraph 46 of Plaintiffs' Complaint, King County Defendants
2 incorporate all responses and denials as set forth in the previous paragraphs.

3 47. King County Defendants make no response to paragraph 47 as it appears to
4 contain legal conclusions and argument for which no response is required. However, to the
5 extent factual allegations are intended, all allegations therein are denied.

6 48. King County Defendants make no response to paragraph 48 as it appears to
7 contain legal conclusions and argument for which no response is required. However, to the
8 extent factual allegations are intended, all allegations therein are denied.

9 **XVI. PUBLIC RECORDS ACTION**

10 **RCW 29A.68.013(1) and/or (2); RCW 42.56.030; RCW 42.56.550; RCW 29A.60.110**

11 **(Plaintiff WEICU v. Director and County)**

12 49. In answering paragraph 49 of Plaintiffs' Complaint, King County Defendants
13 incorporate all responses and denials as set forth in the previous paragraphs.

14 50. King County Defendants make no response to paragraph 50 as it appears to
15 contain legal conclusions and argument for which no response is required. However, to the
16 extent that factual allegations are intended, all allegations therein are denied.

17 51. In answering paragraph 51 of Plaintiffs' Complaint, King County Defendants
18 admit only that WEICU's records request was denied in part. The remainder of the paragraph
19 contains legal conclusions and argument to which no answer is required. To the extent that an
20 answer is required, all factual allegations are denied.

21 52. In answering paragraph 52 of Plaintiffs' Complaint, the paragraph contains legal
22 conclusions and argument to which no answer is required. To the extent that an answer is
23 required, all factual allegations are denied.

1 53. In answering paragraph 53 of Plaintiffs' Complaint, the paragraph contains legal
2 conclusions and argument to which no answer is required. To the extent that an answer is
3 required, all factual allegations are denied.

4 54. In answering paragraph 54 of Plaintiffs' Complaint, the paragraph contains legal
5 conclusions and argument to which no answer is required. To the extent that an answer is
6 required, all factual allegations are denied.

7 55. In answering paragraph 55 of Plaintiffs' Complaint, the paragraph contains legal
8 conclusions and argument to which no answer is required. To the extent that an answer is
9 required, all factual allegations are denied.

10 56. In answering paragraph 56 of Plaintiffs' Complaint, the paragraph contains legal
11 conclusions and argument to which no answer is required. To the extent that an answer is
12 required, all factual allegations are denied.

13 **XVII. DECLATORY RELIEF: VIOLATION OF CONSTITUTIONAL RIGHTS**

14 **WA STATE CONSTITUTION ART. I, § 1, § 2, § 3, § 12, § 19, § 29; ART. VI, § 6,**

15 **US CONSTITUTION AMENDMENTS I, XIV**

16 **(Citizen Plaintiffs v. Director)**

17 57. In answering paragraph 57 of Plaintiffs' Complaint, King County Defendants
18 only that incorporate all responses and denials as set forth in the previous paragraphs.

19 58. In answering paragraph 58 of Plaintiffs' Complaint, the paragraph contains legal
20 conclusions and argument to which no answer is required. To the extent that an answer is
21 required, all factual allegations are denied.

1 59. In answering paragraph 59 of Plaintiffs' Complaint, the paragraph contains legal
2 conclusions and argument to which no answer is required. To the extent that an answer is
3 required, all factual allegations are denied.

4 60. In answering paragraph 60 of Plaintiffs' Complaint, the paragraph contains legal
5 conclusions and argument to which no answer is required. To the extent that an answer is
6 required, all factual allegations are denied.

7 61. In answering paragraph 61 of Plaintiffs' Complaint, King County Defendants
8 deny.

9 a. In answering paragraph 61(a) of Plaintiffs' Complaint, King County
10 Defendants deny.

11 b. In answering paragraph 61(b) of Plaintiffs' Complaint, King County
12 Defendants deny.

13 c. In answering paragraph 61(c) of Plaintiffs' Complaint, the paragraph
14 contains legal conclusions and argument to which no answer is required. To the extent that an
15 answer is required, all factual allegations are denied.

16 d. In answering paragraph 61(d) of Plaintiffs' Complaint, the paragraph
17 contains legal conclusions and argument to which no answer is required. To the extent that an
18 answer is required, all factual allegations are denied.

19 e. In answering paragraph 61(e) of Plaintiffs' Complaint, King County
20 Defendants deny.

21 f. In answering paragraph 61(f) of Plaintiffs' Complaint, King County
22 Defendants deny.

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Daniel T. Satterberg, Prosecuting Attorney
CIVIL DIVISION, Litigation Section
1191 Second Avenue, Suite 1700
Seattle, Washington 98101
(206) 296-0430 Fax (206) 296-8819

62. In answering paragraph 62 of Plaintiffs' Complaint, King County Defendants incorporate their answers to paragraphs 61(a) – (f) above.

63. In answering paragraph 63 of Plaintiffs' Complaint, the paragraph contains legal conclusions and argument to which no answer is required. To the extent that an answer is required, all factual allegations are denied.

XVIII. INJUNCTIVE RELIEF: VIOLATIONS OF CONSTITUTIONAL RIGHTS

(Citizen Plaintiffs v. Director)

64. In answering paragraph 64 of Plaintiffs' Complaint, King County Defendants incorporate all responses and denials as set forth in the previous paragraphs.

65. In answering paragraph 64 of Plaintiffs' Complaint, the paragraph contains legal conclusions and argument to which no answer is required. To the extent that an answer is required, all factual allegations are denied.

66. In answering paragraph 66 of Plaintiffs' Complaint, King County Defendants deny.

a. In answering paragraph 66(a) of Plaintiffs' Complaint, King County Defendants deny.

b. In answering paragraph 66(b) of Plaintiffs' Complaint, King County Defendants deny.

c. In answering paragraph 66(c) of Plaintiffs' Complaint, King County Defendants deny.

d. In answering paragraph 66(d) of Plaintiffs' Complaint, King County Defendants deny.

XIX. DAMAGES FOR CIVIL RIGHTS VIOLATION

42 USC §1983, §1988

67. In answering paragraph 67 of Plaintiffs' Complaint, King County Defendants incorporate all responses and denials as set forth in the previous paragraphs.

68. In answering paragraph 68 of Plaintiffs' Complaint, the paragraph contains legal conclusions and argument to which no answer is required. To the extent that an answer is required, all factual allegations are denied. The language of 42 U.S.C. §1983 speaks for itself.

69. In answering paragraph 69 of Plaintiffs' Complaint, King County Defendants admit only that in performing her duties as Elections Director, Defendant Wise was acting under color of state law. King County Defendants deny any further allegations therein.

70. In answering paragraph 70 of Plaintiffs' Complaint, King County Defendants deny.

71. Answering paragraph 71 of Plaintiffs' Complaint, King County Defendants deny.

XX. DEMAND FOR JURY TRIAL

72. In answering paragraph 72 of Plaintiffs' Complaint, the paragraph contains legal conclusions and argument to which no answer is required. To the extent that an answer is required, all factual allegations are denied.

XXI. RELIEF SOUGHT

In answering section XXI, paragraphs 1-4, 5 (a)-(d), 6-7, 8 (a)-(d), 9 and 10 of Plaintiffs' prayer for relief on pages 17 through 19 of Plaintiffs' Complaint, King County Defendants deny that Plaintiffs are entitled to any of the relief sought.

BY WAY OF FURTHER ANSWER and AFFIRMATIVE DEFENSES, and without admitting anything previously denied, defendant King County states as follows:

1. Plaintiffs' claims are moot.

2. Plaintiffs' have failed to exhaust remedies provided by statute.
3. Plaintiffs lack standing.
4. Plaintiffs' claims are preempted by federal law.
5. Plaintiffs' claims are barred by applicable statutes of limitation.
6. Plaintiffs' claims are barred by the doctrine of laches.
7. Plaintiffs have failed to state a claim upon which relief may be granted.
8. Defendants at all times acted in good faith in the performance of duties and are therefore immune from suit and entitled to discretionary immunity and/or qualified immunity for the matters alleged in the Plaintiffs' complaint.
9. King County is not liable for pre-judgment interest because the State of Washington, of which King County is a political subdivision, has no consented to such pre-judgment interest. RCW 4.56.115.

King County Defendants reserve the right to amend this Answer, including these affirmative defenses, if and when additional facts are discovered which support such amendments.

COUNTERCLAIM BY JULIE WISE AND KING COUNTY

Request for Declaratory Relief Under RCW 42.56.070 (Public Records Act)

King County Elections Director Julie Wise and King County assert the following counterclaim:

I. PARTIES

1. Julie Wise is the elected Director of King County Elections and an individual who resides in the Western District of Washington.
2. King County is a home rule charter county located in the Western District of

1 Washington and a political subdivision of the State of Washington.

2 3. Plaintiffs have alleged that they are individuals who reside in the Western District
3 of Washington.

4 **II. JURISDICTION AND VENUE**

5 4. This Court has discretion to exercise supplemental jurisdiction over this state law
6 claim.

7 5. Venue is proper in the Western District of Washington.

8 **III. FACTUAL ALLEGATIONS**

9 6. Article VI, § 6 of the Washington Constitution provides, "All elections shall be by
10 ballot. The legislature shall provide for such method of voting as will secure to
11 every elector absolute secrecy in preparing and depositing his ballot." This broad
12 mandate requires broad protection of ballots and ballot materials in Washington.

13 7. The Civil Rights Act of 1960, codified as 52 U.S.C. §§ 20701-20706, requires
14 local election officials to retain and preserve all records relating to any act
15 requisite to voting for 22 months after the conduct of any general election at
16 which citizens vote for President or a member of Congress. The purpose of the
17 Civil Rights Act retention requirements was to secure a more effective protection
18 of the right to vote by ensuring that records are available to allow the Department
19 of Justice to investigate and prosecute civil or criminal election matters under
20 federal law. The records must be retained physically or under local officials'
21 direct administrative supervision.

22 8. Under their constitutional authority to protect the secrecy of the ballot, the
23 Washington Legislature has adopted a comprehensive scheme governing elections

which balances election security and secrecy of the ballot with transparency. Washington law provides specific ways in which the election process is subject to public oversight, including but not limited to requiring auditors to: maintain records of voters issued a ballot and who returned a ballot available for public inspection (RCW 29A.40.130); maintain cumulative precinct returns as public records (RCW 29A.60.070); and make counting centers open to the public (RCW 29A.60.170(2)). The legislative scheme allows a group of five or more registered voters to request a recount within a specified time period (RCW 29A.64.011), requires recount proceedings to be public (RCW 29A.64.030), requires an audit prior to certification (RCW 29A.60.185), and requires a reconciliation report that is publicly available (RCW 29A.60.235). However, this comprehensive scheme protects ballots by prohibiting any member of the public from touching a ballot during the counting process or recount (RCW 29A.60.170(2), 29A.64.041(1)) and requiring ballots to be sealed in containers immediately after tabulation (RCW 29A.60.110(1)), and prohibiting the unsealing of the ballot containers except by the canvassing board, to conduct a recount, random check or audit as authorized by statutes or by order of the superior court in a contest or election dispute (RCW 29A.60.110(2)).

9. Pursuant to RCW 42.56.070(1), Washington's Public Records Act requires government agencies to make public records available unless exempted by that Act or "other statute which exempts or prohibits disclosure of specific information or records."

10. Washington courts have repeatedly held that ballots and ballot images are exempt

from public disclosure under the Public Records due to the provisions of Article VI, § 6 of the Washington Constitution, the comprehensive scheme set forth in Title 29A RCW and regulations adopted by the secretary of state under express legislative authority. *White v. Clark County*, 188 Wash. App. 622, 627, 354 P.3d 38, 40 (2015), review denied, 185 Wash.2d 1009 (2016); *White v. Skagit County*, 188 Wash. App. 886, 355 P.3d 1178 (2015), review denied, 185 Wash.2d 1009 (2016); *White v. Clark County*, 199 Wash. App. 929, 934, 401 P.3d 375, 378 (2017), review denied, 189 Wash.2d 1031 (2018).

11. Under Washington's current mail voting, pursuant to RCW 29A.40.091, all ballots must be accompanied by a declaration that the voter must sign. The voter must swear under penalty of perjury that he or she meets the qualifications to vote and has not voted in any other jurisdiction at this election. The voter must sign the "ballot declaration" and may provide contact information such as an email address or phone number. Pursuant to RCW 29A.40.100(3), upon receipt of ballot materials the county auditor must verify based on statewide standards that the signature on the "ballot declaration" is the same as the signature of that voter in the registration files. Ballots are not processed unless the signature is verified.
12. Pursuant to RCW 29A.08.710(1), the voter registration form is considered confidential and unavailable of public inspection and copying. Pursuant to RCW 29A.08.710(2), voter's names, address, political jurisdiction, gender, date of birth, voting record and date of registration are available for public inspection and copying, but no other information from the voter registration records or files, including signatures, is available for public inspection or copying.

- 1 13. Title 29A RCW serves as a comprehensive scheme restricting access to ballots,
2 ballot images, ballot materials and voter signatures.
- 3 14. Pursuant to RCW 42.56.420(7), certain information relating to election security is
4 exempt from public disclosure including records containing information about
5 election security the public disclosure of which may increase risk to integrity of
6 election operations. Another statute, RCW 42.56.540, allows a court to enjoin the
7 release of public records when an examination “would clearly not be in the public
8 interest and would substantially and irreparably damage any person, or would
9 substantially and irreparably damage vital governmental functions.”
- 10 15. On August 30, 2021, King County Elections received a public records request
11 from Washington Election Integrity Coalition United, a nonprofit corporation, for
12 disclosure of “original ballots, ballot images, spoiled ballots, adjudication records,
13 ballot envelopes and returned ballots for the November 3, 2020 General
14 Election.”
- 15 16. Original ballots, ballot images, spoiled ballots and voter signatures contained in
16 ballot declarations are exempt from public inspection and/or copying.
- 17 17. The release of voter signatures compromises the integrity and security of future
18 Washington elections.
- 19 18. The release of voter signatures, which can be used to undermine and invalidate
20 future Washington elections would substantially and irreparably damage vital
21 governmental functions.
- 22 19. The release of voter signatures would clearly not be in the public interest and
23 would substantially and irreparably damage voters.

IV. COUNTERCLAIM – DECLARATORY RELIEF

20. King County Defendants re-allege paragraphs 1 through 19.
21. An actual and justiciable case and controversy exists between the Plaintiffs and Director Wise and King County regarding the request for public disclosure of ballots, ballot images and ballot envelopes containing voter signatures. Director Wise and King County will suffer a concrete and imminent injury that is causally connected to Plaintiffs’ action. This injury can be redressed with a favorable decision. The parties’ rights and interests are direct and substantial, and the determination of the parties’ rights and interests will resolve the dispute. The issues that exist between the parties are genuinely adversarial in character.
22. Director Wise and King County are entitled to a declaratory judgment in their favor that provides that ballots, ballot images and ballot envelopes containing voter signatures are exempt from public disclosure under the Public Records Act because nondisclosure is required by Washington’s constitution and its comprehensive election scheme to protect the secrecy of the ballot and to ensure election security and the integrity of election operations.

V. COUNTERCLAIM – INJUNCTIVE RELIEF UNDER RCW 42.56.540

23. King County Defendants re-allege paragraphs 1 through 19.
24. The release of ballots, ballot images and ballot envelopes containing voter signatures to WEICU would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions.
25. Such a release of ballots, ballot images and ballot envelopes containing voter

signatures would cause King County and its voters irreparable harm where any available legal remedies would be inadequate to redress that harm

26. The interests of King County and its voters in election integrity and security, as well as the security and secrecy of voting materials under the Washington Constitution, far outweigh any hardship faced by WEICU, thereby meriting issuance of an injunction.

27. The public interest would not be disserved by a permanent injunction.

VI. RELIEF SOUGHT

Having stated their claim against Plaintiffs, Director Julie Wise and King County pray for the following relief:

1. For an order by the Court declaring that, as a matter of law, Director Wise and King County cannot release ballots, ballot images or ballot envelopes containing voter signatures for public inspection or copying;
2. For a permanent injunction under RCW 42.56.540 precluding WEICU from obtaining ballots, ballot images and ballot envelopes containing voter signatures; and
3. For any and all such further relief as the County may deem equitable and just.

WHEREFORE, King County Defendants pray that Plaintiffs take nothing by their Complaint, that the Complaint be dismissed with prejudice, that King County Defendants be awarded declaratory relief, injunctive relief and such further relief as the Court deems just and equitable.

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1 DATED this 20th day of October, 2021.

2 DANIEL T. SATTERBERG
3 King County Prosecuting Attorney

4 By: s/Ann M. Summers
5 ANN M. SUMMERS, WSBA #21509

6 By: s/David J. Hackett
7 DAVID J. HACKETT, WSBA #21236

8 By: s/Mari Isaacson
9 MARI ISAACSON, WSBA #42945

10 Senior Deputy Prosecuting Attorneys
11 Attorneys for Defendants
12 1191 Second Avenue, Suite 1700
13 Seattle, WA 98101
14 Phone: (206) 296-0430/Fax: (206) 296-8819
15 ann.summers@kingcounty.gov
16 david.hackett@kingcounty.gov
17 mari.isaacson@kingcounty.gov

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF E-filing system which will send notification of such filing to the following:

Virginia Person Shogren
VIRGINIA SHOGREN PC
961 W Oak Court
Sequim, WA 98382
vshogren@gmail.com
Attorney for Washington Election Integrity Coalition United

And I hereby certify that I sent a copy of the foregoing document via US Postal service to the following:

Doug Basler
Plaintiff, Pro Se
1851 Central Place S. Suite 123
Kent, WA 98032

Howard Ferguson
Plaintiff, Pro Se
4537 13th Avenue S
Seattle, WA 98108

Diana Bass
Plaintiff, Pro Se
PO Box 7364
Bellevue, WA 98008

Timofey Samoylenko
Plaintiff, Pro Se
1921 R. Street NE
Auburn, WA 98002

Amy Behope
Plaintiff, Pro Se
507 SW 302nd Street
Federal Way, WA 98023

Mary Hallowell
Plaintiff, Pro Se
17505 462nd Avenue SE
North Bend, WA 98045

Samantha Bucari
Plaintiff, Pro Se
3546 S. 244th Street
Kent, WA 98032
sbucari2108@gmail.com

Ronald Stewart
Plaintiff, Pro Se
29506 51st Avenue South
Auburn, WA 98001

Lydia Zibin
Plaintiff, Pro Se
254 145th Place SE
Bellevue, WA 98007

Catherine Dodson
Plaintiff, Pro Se
42131 212th Avenue SE
Enumclaw, WA 98022

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 20th day of October, 2021.

s/Kris Bridgman
KRIS BRIDGMAN
Paralegal – Litigation Section
King County Prosecuting Attorney's Office